

PUBLIC UTILITIES COMMISSION505 VAN NESS AVENUE
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January 7, 2000

Federal Communications Commission
Office of the Secretary
Portals
445 12th Street, S.W.
Room TW-B204
Washington, DC 20554

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JAN 10 2000

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Dear Ms. Salas:

We tried to file electronically the enclosed document, COMMENTS OF THE CALIFORNIA PUBLIC UTILITIES COMMISSION OF THE PEOPLE OF THE STATE OF CALIFORNIA on Friday, January 7, 2000. Unfortunately, for reasons unknown, we could not interface with the FCC's electronic filing system. Thus, we are sending this by overnight mail. This document need only have been submitted to the Common Carrier Bureau, so please ensure that this copy is transmitted there.

Thank you for your assistance. If you have any questions, please contact me at (415) 703-1319.

Sincerely,

Helen Mickiewicz
Attorney for the Public Utilities
Commission of the State of California

HMM:afm

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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In the matter of:

Petition for Declaratory Ruling and
Request for Expedited Action on the
July 15, 1997 Order of the Pennsylvania
Public Utility Commission Regarding
Area Codes 412, 610, 215, and 717.

NSD File No. L-99-89
NSD File No. L-99-90

Implementation of the Local
Competition Provisions of the
Telecommunications Act of 1996

CC Docket No.96-98

**COMMENTS OF THE CALIFORNIA PUBLIC UTILITIES
COMMISSION AND OF THE PEOPLE OF
THE STATE OF CALIFORNIA**

The California Public Utilities Commission and the People of the State of California (CPUC or California) submit to the Common Carrier Bureau of the Federal Communications Commission (FCC or Commission) these Comments on the Petitions for Delegation of Authority to Implement Number Conservation Measures filed by the Utah Public Service Commission (NSD File No. L-99-89), and by the Missouri Public Service Commission (NSD File No. L-99-90). The two state Commissions seek authority to implement a number of NXX code conservation measures, as discussed below. As we

have done in response to similar requests by other state commissions, the CPUC generally supports the petitions of Utah and Missouri.

IV. THE UTAH PETITION

The Utah Public Service Commission (UPSC or Utah) seeks authority to implement the following code conservation measures:

1. Institution of mandatory 1,000-block number pooling;
2. Institution of sharing of NXX codes in rate centers;
3. Revision of rationing measures and institution of NXX lotteries (prior to adoption of an area code relief date) to prolong the life of the existing 801 area code;
4. Reclamation of unused and reserved central office codes;
5. Investigation of whether any reserved central office codes could be reclaimed for future distribution;
6. Maintenance of existing central office code rationing measures for at least six months after implementation of all area code relief plans;
7. Expanded deployment of permanent number portability;
8. Use of unassigned number porting(UNP); and
9. Use of rate center consolidation.

California urges the FCC to grant the Utah PSC's request of additional authority.

At the same time, the CPUC offers the following observations pertaining to some of the requested relief.

First, California does not believe that an express grant of authority from the FCC is necessary for any state commission for any of the following: 1) to institute sharing of NXX codes in rate centers; 2) to investigate whether reserved central office (CO) codes could be redistributed to other carriers once reclaimed; 3) to revise code rationing measures or to institute an NXX lottery; or 4) to consolidate rate centers. Indeed, in the FCC's June 1999 NPRM on numbering, the FCC expressly stated that state commissions possess the requisite authority to consolidate rate centers and need no further grant of authority from the FCC to do so. (See NPRM, ¶ 117.)¹ As for code sharing, so long as this function does not entail actual assignment of NXX codes to specific carriers, the CPUC does not see how it violates any FCC prohibition against state numbering activity.

Further, states certainly have inherent authority to review the use of assigned numbers, including those which carriers deem to be "reserved". Whether reserved numbers of NXX codes might be eligible for reclamation is a determination within state discretion, so long as the state does not seek to reclaim the reserved numbers without express FCC authority, which Utah seeks in its petition. Finally, rationing measures are within state jurisdiction, so long as the rationing process falls within FCC guidelines. Again, Utah seeks the very same authority California received to implement rationing measures before an area code relief plan is adopted or a relief date set. California most certainly endorses a grant of authority to allow a state commission the flexibility to ration NXX codes as appropriate in the state's specific circumstances.

¹ In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, Released: June 2, 1999.

With those qualifying comments, the CPUC supports the Utah petition.

V. THE MISSOURI PETITION

The Missouri PSC (MPSC or Missouri) seeks authority to implement the following code conservation measures:

1. Institution of 1,000-block number pooling trials;
2. Establishment of usage thresholds;
3. Reclamation of unused and reserved NXX codes and portions of those codes;
4. Establishment of numbering allocation standards;
5. Use of sequential numbering assignment;
6. Ability to hear and address claims of carriers seeking numbering resources outside of the rationing process;
7. Maintenance of rationing procedures for six months following area code relief;
8. Requiring submission of utilization data from all carriers;
9. Institution of NXX code sharing; and
10. Institution of auditing of carrier use of numbering resources.

Again, California supports the MPSC's request, but with some observations. We note that Missouri seeks relief identical to that already granted California, i.e., authority to hear and address claims of carriers seeking to obtain numbers outside the rationing process. The CPUC also received authority to reclaim unused codes, and to institute efficient numbering use practices, including sequential numbering. Thus, we recommend that the Commission grant the same relief to Missouri.

At the same time, as noted relative to the Utah petition, the CPUC does not believe it necessary for a state to obtain express FCC authority to institute NXX code sharing. Nor do we consider FCC authority a prerequisite to obtaining number utilization data from carriers, or to the auditing of carriers' use of numbering resources.² Nonetheless, confusion may exist regarding state authority to perform these functions. Therefore, the CPUC urges the FCC to clarify in an order granting the Missouri and Utah petitions that state commissions already possess authority to gather utilization data, to perform audits, and to order code sharing, so long as the state commission itself does not assign NXX codes to carriers.

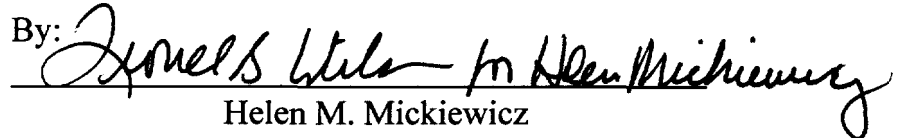
VI. CONCLUSION

To date, the FCC has granted ten state commissions additional authority to grapple with the area code crisis confronting so many states nationwide. California's own such petition was granted on September 15, 1999. Because of that grant of additional authority, the CPUC has taken a series of steps to both implement conservation measures and to slow the pace at which we have been opening new NPAs. We continue to urge the FCC to grant other states such authority, because only with additional authority can states effectively respond to the numbering crisis.

² In previous filings, including our comments on the numbering NPRM, we have expressed our opposition to an FCC order mandating that states perform audits of numbering resources. We have advocated instead that the FCC require independent third-party audits, but ensure that the audit data collected be provided to state commissions.

Respectfully submitted,

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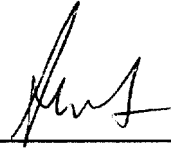
Attorneys for the
Public Utilities Commission
State Of California

January 7, 2000

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document
**“COMMENTS OF THE CALIFORNIA PUBLIC UTILITIES
COMMISSION AND OF THE PEOPLE OF THE STATE OF
CALIFORNIA”** upon all known parties in this proceeding by mailing by first-
class a copy thereof properly addressed to each party.

Dated at San Francisco, California, this 7th day of January, 2000.



Angelita F. Marinda